

Case No. 23-55714

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

CHAYA LOFFMAN, ET AL.,

Plaintiffs - Appellants,

v.

CALIFORNIA DEPARTMENT OF EDUCATION; ET AL,

Defendants - Appellees.

**APPELLEES' LOS ANGELES UNIFIED SCHOOL DISTRICT AND
ANTHONY AGUILAR'S
MOTION FOR EXTENSION OF TIME TO FILE**

Appeal from a Decision of the United States District Court for the Central District
of California, Case No: 2:23-cv-01832-JLS-MRW
Honorable Josephine L. Staton, United States District Judge

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Attorneys for District-Appellees

CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1, Defendant- Appellee Los Angeles Unified School District state that they do not have a parent corporation and do not issue any stock.

/s/ Sue Ann Salmon Evans
Sue Ann Salmon Evans

Pursuant to Federal Rule of Appellate Procedure 26(b) and Ninth Circuit Rules 27-1 and 31-2.2, Defendants-Appellees Los Angeles Unified School District and Anthony Aguilar (collectively, the “District-Appellees”) respectfully request an extension from the initial/current due date of November 22, 2023 until January 8, 2024 to file their Answering Brief. In support of their motion, the District-Appellees have attached a Declaration of Sue Ann Salmon Evans and on the basis of that Declaration state:

1. Pursuant to this Court’s August 16, 2023 Order (Dkt. 2), Appellants’ Opening Brief was originally due on September 11, 2023. On August 22, 2023, Appellants moved for a 30-day extension of time to file their Opening Brief. (Dkt. 9) The District-Appellees consented to the requested relief, and the motion was granted on August 29, 2023, which made the Opening Brief due by October 1, 2023. On September 26, 2023, Appellants moved for an additional 14-day extension of time to file their Opening Brief. (Dkt. 11.) The District-Appellees consented to the requested relief, and the motion was granted on October 10, 2023, which made the Opening Brief due October 25, 2023 and the District-Appellees’ Answering Brief due November 22, 2023. (Dkt. 12.)

2. Appellants filed their Opening Brief on October 25, 2023. (Dkt. 13.) The Opening Brief is 62 pages, 13,981 words, and its Statement of Issues identifies 6 issues. (*Id.*)
3. On November 1, 2023, nine (9) separate amicus briefs were filed in support of Appellants. (Dkts. 20, 21, 22, 23, 24, 26, 34, 35, 36.)
4. The District-Appellees request an extension of time to file their Answering Brief from the initial due date of November 22, 2023 (the day before Thanksgiving) until Monday, January 8, 2024 (47 days from the original/current due date). This is the District-Appellees' first request for an extension of time in this appeal.
5. The District-Appellees have been represented in this action by their undersigned counsel, who is also responsible for a number of preexisting litigation deadlines in other cases in the coming weeks, including:
 - a. A motion hearing on November 20, 2023, in *JOHN ROE 1, et al, v. MOUNTAIN VIEW WHISMAN SCHOOL DISTRICT, et al, Case No. 22CV02834 (Santa Cruz Superior Court)*
 - b. A dispositive hearing on November 28, 2023 in John TS Doe v. Doe 1 School District, *et al.*, Case No. CIV 2203858; Marin Superior Court

6. Despite the District-Appellees' continued diligence, there is substantial need for the requested extension due to the Opening Brief's size and scope (§2, above), the number of amicus briefs that been filed (§3, above), and their counsel's preexisting litigation deadlines (§5, above).
7. All parties consent to the relief requested in this Motion.
8. The District-Appellees have exercised diligence and will file their Answering Brief within the requested timeframe.
9. No prejudice to any party will result from the granting of this Motion.
10. The court reporter is not in default on any designated transcripts.
11. For the foregoing reasons, the District-Appellees respectfully request an Order extending the due date for the Answering Brief until Monday, January 8, 2024.

Respectfully submitted,

Dated: November 3, 2023

DANNIS WOLIVER KELLEY

By: /s/ Sue Ann Salmon Evans

Sue Ann Salmon Evans, Esq.

Attorneys for District-Appellees

LOS ANGELES UNIFIED SCHOOL

DISTRICT and ANTHONY AGUILAR

CERTIFICATE OF SERVICE

I hereby certify that on November 3, 2023, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

Dated: November 3, 2023

DANNIS WOLIVER KELLEY

By: /s/ Sue Ann Salmon Evans
Sue Ann Salmon Evans, Esq.
Attorneys for District–Appellees
LOS ANGELES UNIFIED SCHOOL
DISTRICT and ANTHONY AGUILAR